

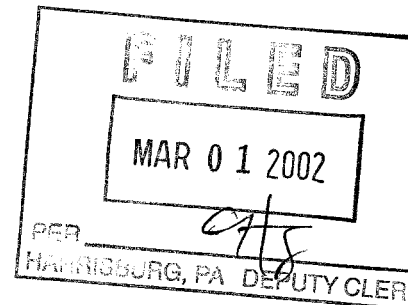
2 Ct

ORIGINALIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIAPHYLLIS McPARLAND and JAMES :
PICKING, individually and on behalf of all :
others similarly situated, :

Plaintiffs, :

KEYSTONE HEALTH PLAN :
CENTRAL, INC., :

Defendant. :

CIVIL ACTION NO.
1:CV 00-0549
(Yvette Kane, Judge) ✓Supplemental Documentation in Support of
Plaintiffs' Bill of Attorneys Fees and Costs*I. Plaintiffs' Counsel's Billing Rates are In Line With
Those for Class Action Counsel Litigating in this District*

In its order dated January 30, 2002, this Court directed plaintiffs' counsel to submit additional documentation demonstrating that their rates are "in line with the rates for class action counsel litigating in the Middle District of Pennsylvania," and to "establish that other firms bringing class action suits in this District are compensated at similar rates." (Slip Op. at 5). As the Court is probably aware, there have not been a large number of reported class actions in this District. However, plaintiffs have identified those that have been reported, as well as the firms that have handled them. The cites to these cases, and the class action firms that represented the plaintiffs, are set forth in the footnotes to this memorandum.

In Exhibit A plaintiffs have included charts setting forth the rates that such firms charge. These charts are taken from the Audit Report and Affidavit of Alan Winikur, dated December

31, 2001 in In Re Diet Drugs Products Liability Litig., MDL Docket No. 1203 (E.D.Pa.).¹ Mr. Winikur was appointed by U.S. District Judge Louis Bechtle to serve as the fee auditor for the Diet Drugs class actions.² In addition, plaintiffs have obtained the Declarations of members of these firms, demonstrating that the rates set forth in these charts are the hourly rates that these firms charge regardless of the jurisdictions in which they litigate their cases, including the Middle District of Pennsylvania. See Declarations of Arnold Levin, Joseph C. Kohn, Michael D. Hausfeld, Bret P. Flaherty, and Dianne M. Nast. (Exhibit B).³ These Declarations demonstrate that plaintiffs' counsel's rates in this case are in line with those of other class action counsel practicing in this District. "The burden may be satisfied by the submission of affidavits of

¹ Due to the voluminous nature of Mr. Winikur's Audit Report and Affidavit, plaintiffs' counsel has not submitted the entire report. Should the Court wish to examine the entire report, however, counsel will gladly furnish it.

² Plaintiffs' counsel in this case, Chimicles & Tikellis LLP, is among the plaintiffs' counsel in Diet Drugs. Plaintiffs' counsel's rates requested in that case are higher than those that counsel is requesting in this case. Since the time the remand motions were briefed and argued in 2000, counsel's hourly rates have increased. Plaintiffs' have included within Exhibit A information on Chimicles & Tikellis's current rates. However, counsel is requesting fees based on the rates it charged when the remand motions were litigated, not based on the firm's current rates, even though case law permits the application current rates when there is a delay between litigation and payment of fees. See Missouri v. Jenkins, 491 U.S. 274, 282 (1989) ("In setting fees for prevailing counsel, the courts have regularly recognized the delay factor, either by basing the award on current rates or by adjusting the fee based on historical rates to reflect its present value.") (citing Pennsylvania v. Del. Valley Citizens' Council, 483 U.S. 711, 716 (1987)). See also Lanni v. State of New Jersey, 259 F.3d 146, 149 (3d Cir. 2001) ("When attorney's fees are awarded, the current market rate must be used."); Keenan v. Philadelphia, 983 F.2d 459, 476 (3d Cir. 1992) (citing Blum v. Witco Chem. Co., 888 F.2d 975, 984 (3d Cir. 1989) (noting that the Third Circuit has followed this approach); Welch v. Wildwood Golf Club, 904 F. Supp. 438, 441 (W.D. Pa. 1995) ("Attorneys may be compensated at their current rates, rather than historical rates, in recognition of the delay in payment between when work was performed and fees paid.").

³ As with the other plaintiffs' firms that have litigated class actions in the Middle District of Pennsylvania (see infra) plaintiffs' counsel here charge the same rates no matter where they litigate.

attorneys with personal knowledge of the hourly rates customarily charged in the relevant market.” Becker v. Arco Chem. Co., 15 F. Supp.2d 621, 628 (E.D.Pa. 1998) (citing Washington v. Phila. Court of Common Pleas, 89 F.3d 1031, 1036 (3d Cir. 1996)).

A comparison of the rates charged by plaintiffs' counsel in this case shows that plaintiffs' counsel's rates are in line with, and in many instances are lower than, the rates charged by comparable counsel for litigating class actions in this District.⁴ Michael Gottsch is a 1983 law school graduate, and a partner in the firm. The hourly rate at which he seeks to be compensated, \$340 per hour,⁵ is *lower* than the current rates of other attorneys with similar experience who have litigated class actions in this District. For example, Laurence Delvecchio of Roda & Nast⁶ graduated in 1981 and charges \$375 per hour. (Exhibit A). Joseph Kohn of Kohn, Swift & Graf⁷ is a 1982 law school graduate and bills \$410 per hour. (*Id.*). Joseph Sellers of Cohen Milstein⁸ graduated in 1979 and has an hourly rate of \$380. (*Id.*). Even Mr. Gottsch's current

⁴ For convenience of comparison, plaintiffs' counsel has prepared a chart (Exhibit C) setting forth the identities, law school graduation years, and hourly rates of the lawyers from the other class action firms who appear to be the most comparable to the Chimicles & Tikellis lawyers who worked on the remand motions in this case.

⁵ Mr. Gottsch's current rate is \$375 per hour.

⁶ Roda & Nast is located in Lancaster and, to the knowledge of plaintiffs' counsel, is the only central Pennsylvania firm that has a regular and significant class action practice. Although plaintiffs have not identified any class actions in this District with Roda & Nast, given the firm's close proximity to this District, plaintiffs are providing the Declaration of Dianne M. Nast.

⁷ Kohn Swift & Graf has served as plaintiffs' class counsel in Yi v. Reno, 852 F. Supp. 316 (M.D.Pa. 1994).

⁸ Cohen Milstein represented the plaintiffs in a class action titled Reilly v. Gould, Inc., 965 F. Supp. 588 (M.D.Pa. 1997).

rate of \$375 is "in line" with those of "class action counsel litigating in the Middle District of Pennsylvania." (Slip. Op. at 5).

Pamela Zetterberg, a 1996 graduate, seeks compensation at an hourly rate of \$200.⁹ The hourly fees for attorneys litigating in this District with her level of experience range from \$190 to \$265. Therefore, her rate is reasonable and is well in line with comparable practitioners litigating class actions in this District. Michelle Eagan of Roda & Nast graduated in the same year, and has an hourly billing rates of \$220. Exhibit A. Austin Cohen of Levin Fishbein also graduated in 1996 and bills \$265 per hour. (Id.). A. Fryszman of Cohen Milstein is another 1996 graduate, and has an hourly rate of \$205.

Kimberly Donaldson, a 1999 law school graduate, seeks compensation at an hourly rate of \$180.¹⁰ Her rate is also in line with the rates charged by attorneys of comparable experience. Shanon Carson of Berger & Montague¹¹ graduated a year after Ms. Donaldson and bills \$190 per hour. (Exhibit A). Greer Anderson of Roda & Nast is a 2000 graduate and bills \$190 per hour. (Id.).

Finally, compensation at the hourly rate of \$405 for Denise Schwartzman, a 1969 law school graduate, is reasonable.¹² Ms. Schwartzman also has a 1989 L.L.M. Michael Hausfeld of Cohen Milstein graduated the same year and bills \$495 per hour. Exhibit A. Russell Henkin of

⁹ Mrs. Zetterberg's current rate is \$230 per hour.

¹⁰ Ms. Donaldson's current rate is \$210.

¹¹ Berger & Montague represented the plaintiff class in In re TMI Litig., 927 F. Supp. 834 (M.D.Pa. 1996) and In re Anthracite Coal Antitrust Litig., 87 F.R.D. 555 (1980).

¹² Mrs. Schwartzman's current rate is \$415 per hour.

Berger Montague graduated three years after Ms. Schwartzman and has an hourly rate of \$450. (*Id.*). Arnold Levin of Levin Fishbein¹³ (1964) bills \$520 per hour. (*Id.*). The range of these hourly rates is from \$450- \$520. Ms. Schwartzman's \$405 per hour rate is *lower* than attorneys with comparable experience, and she is therefore "compensated at similar rates." (Slip. Op. at 5).

As demonstrated by the attached Declarations, exhibits and above discussion, plaintiffs' counsel's fees are in line with those of other attorneys practicing class action litigation in this District. Their fees incurred in opposing defendant's removal of this case (as modified by this Court's order) should be granted at their normal hourly rates.

II. Plaintiffs' Counsel Should be Awarded their Costs Incurred in Opposing Defendant's Removal of this Action

This Court required that plaintiffs supplement their filing of costs incurred with a more detailed itemization, including "dates and a reasonable basis justifying the expenditures in this case. (Slip. Op. at 5). Attached as Exhibit D is the original bill of costs, as well as a detailed itemization, including dates.

Filing fees: these expenditures were necessary to file a remand motion to oppose defendant's removal of this action.

LEXIS charges: these fees were incurred in researching remand issues, researching caselaw in this District and Circuit, and for shepardizing cases cited in briefs.

¹³ Levin Fishbein represented the class in *Reilly v. Gould, Inc.*, 965 F. Supp. 588 (M.D.Pa. 1997) and *In re TMI Litig.*, 927 F. Supp. 834 (M.D.Pa. 1996).

Messenger/Courier: these fees were incurred by overnight-mail (Federal Express, UPS), services used in delivering briefs and correspondence to the Court, defense counsel, and co-counsel.

Photocopying- Outside: \$58.05 was incurred in using Pennsylvania Instant Case ("PIC") services- a company that supplies copies of unpublished opinions. \$10.83 was incurred in reimbursing co-counsel for photocopying expenses.

Postage: these expenses were incurred in mailing briefs and correspondence to the Court, defense counsel, and co-counsel via regular mail.

Telephone: these expenditures resulted from calls made to the Clerk of this Court, defense counsel, and co-counsel.

III. Conclusion


For the foregoing reasons, plaintiffs' counsel should 1) be awarded fees at their normal hourly rates, and 2) be awarded their full expenses incurred in seeking remand on this case.

Dated: February 28, 2002

Respectfully submitted,

CHIMICLES & TIKELLIS LLP

By:

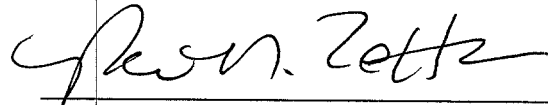

Michael D. Gottsch
Pamela N. Zetterberg
Kimberly M. Donaldson
Denise Davis Schwartzman
361 West Lancaster Avenue
One Haverford Centre
Haverford, PA 19041
(610) 642-8500

ATTORNEYS FOR PLAINTIFFS
AND THE CLASS

CERTIFICATE OF SERVICE

I, Pamela N. Zetterberg , hereby certify that I have on this 28th day of February, 2002, caused the foregoing to be served on the following counsel, via overnight delivery:

Carleton O. Strouss, Esquire
Patricia C. Shea, Esquire
KIRKPATRICK & LOCKHART LLP
240 North Third Street
Harrisburg, PA 17101

A handwritten signature in dark ink, appearing to read "Pamela N. Zetterberg", is written over a horizontal line.

Pamela N. Zetterberg

DIET DRUG PRODUCTS LIABILITY LITIGATION - MDL 1203
COMMON BENEFIT TIME SUMMARY SHEET

REPORTING FIRM											LEVIN FISHER SEIDMAN & BERMAN				QUARTER 14 RIOD				10.31.01						
1 Preparing pleadings, motions, supporting briefs, legal research											5 Factual investigation											9 Multi-Party Coord. and Liaison meetings and activities			
2 Preparing and responding to written discovery requests											6 Technical research and consultation with experts											10 Settlement			
3 Taking & defending depositions, including preparation											7 Preparation for court appearance and trial											11 Settlement Administration			
4 Inspection of documents											8 Court appearance and trial														
ATTORNEY	1	2	3	4	5	6	7	8	9	10	CURRENT MONTHLY	QUERY	CUMUL. HOURS	CUMUL. LOESSIAN	PROF										
AITVIN											72.00	\$520.00	\$37,440.00	6,556.75	\$3,409,250.00	\$3,409,250.00									
MISHBEIN											209.00	\$510.00	\$106,590.00	7,754.50	\$3,954,795.00	\$3,954,795.00									
L. BERMAN											156.50	\$475.00	\$74,337.50	5,920.25	\$2,816,393.75	\$2,816,393.75									
F. LONGER											48.75	\$410.00	\$19,997.50	2,756.75	\$1,130,267.50	\$1,130,267.50									
C. GINSBURG											0.00	\$340.00	\$0.00	1,003.75	\$301,675.00	\$301,675.00									
J. SHUB											0.00	\$290.00	\$0.00	6.50	\$1,885.00	\$1,885.00									
C. HILL											0.00	\$335.00	\$0.00	31.00	\$10,365.00	\$10,365.00									
D. HAVILAND											0.00	\$325.00	\$0.00	23.25	\$8,137.50	\$8,137.50									
T. BENEDETTO											0.00	\$325.00	\$0.00	2.75	\$893.75	\$893.75									
S. LEVENSTEN											0.00	\$275.00	\$0.00	124.00	\$34,100.00	\$34,100.00									
D. LEVIN											0.00	\$250.00	\$0.00	659.75	\$214,937.50	\$214,937.50									
G. NINTEZ											0.00	\$275.00	\$0.00	668.00	\$186,200.00	\$186,200.00									
J. LOUNN											0.00	\$250.00	\$0.00	483.00	\$120,750.00	\$120,750.00									
A. COHEN											0.00	\$250.00	\$0.00	2.50	\$602.50	\$602.50									
C. SCHAFER											99.50	\$425.00	\$42,087.50	1,223.75	\$520,093.75	\$520,093.75									
S. DUGGAN											146.00	\$375.00	\$54,750.00	4,143.00	\$1,553,025.00	\$1,553,025.00									
T. SMITH											255.00	\$350.00	\$89,250.00	4,901.00	\$1,746,050.00	\$1,746,050.00									
D. MCMAFFERY											238.00	\$150.00	\$35,700.00	2,104.00	\$329,100.00	\$329,100.00									
R. HEBEN											232.50	\$150.00	\$34,875.00	1,847.00	\$282,050.00	\$282,050.00									
J. DAVIS											249.50	\$150.00	\$37,425.00	1,908.50	\$286,275.00	\$286,275.00									
L. PEPPER											224.50	\$150.00	\$33,675.00	1,823.50	\$273,425.00	\$273,425.00									
J. BRADEN											0.00	\$150.00	\$0.00	187.25	\$25,087.50	\$25,087.50									
J. GAERTNER											0.00	\$375.00	\$0.00	2.25	\$843.75	\$843.75									
J. SHOPP											0.00	\$175.00	\$0.00	1,802.50	\$315,437.50	\$315,437.50									
B. IMPIERRE											1,031.25	\$7,045.00	\$560,317.50	40,392.75	\$17,572,563.75	\$17,572,563.75									
PARALEGAL											0.00	\$0.00	\$0.00	120.75	\$13,282.50	\$13,282.50									
D. MURPHY											0.00	\$110.00	\$0.00	41.00	\$4,510.00	\$4,510.00									
K. LONGACRE											3.00	\$110.00	\$330.00	28.25	\$3,107.50	\$3,107.50									
M. IUTSON											0.00	\$110.00	\$0.00	20.00	\$2,200.00	\$2,200.00									
M. LORD											104.50	\$110.00	\$11,495.00	2,456.75	\$270,242.50	\$270,242.50									
K. STURKA											0.00	\$110.00	\$0.00	23.00	\$2,530.00	\$2,530.00									
D. DIENNER											125.00	\$110.00	\$13,750.00	1,609.75	\$183,872.50	\$183,872.50									
C. HESSON											0.00	\$110.00	\$0.00	118.75	\$12,842.50	\$12,842.50									
L. FITZPATRICK											0.00	\$110.00	\$0.00	77.00	\$8,470.00	\$8,470.00									
E. GABOR											0.00	\$110.00	\$0.00	2.00	\$220.00	\$220.00									
K. DEROSA											0.00	\$110.00	\$0.00	2.00	\$220.00	\$220.00									
P. NUJGENT											0.00	\$110.00	\$0.00	18.00	\$1,980.00	\$1,980.00									
T. MC MULLEN											0.00	\$110.00	\$0.00	2.50	\$275.00	\$275.00									
B. SPROEHL											0.00	\$110.00	\$0.00	12.50	\$1,375.00	\$1,375.00									
L. MISKELL											0.00	\$110.00	\$0.00	18.50	\$2,035.00	\$2,035.00									
J. SANBORN											0.00	\$110.00	\$0.00	31.00	\$3,410.00	\$3,410.00									
N. GORDANO											0.00	\$110.00	\$0.00	37.00	\$4,070.00	\$4,070.00									
M. JOYAVE											0.00	\$110.00	\$0.00	52.00	\$5,720.00	\$5,720.00									
M. SWIFT											5.00	\$110.00	\$550.00	6.00	\$660.00	\$660.00									
A. SWEENEY											237.50	\$110.00	\$26,125.00	4,733.75	\$511,052.50	\$511,052.50									
TOTALS											2,168.75	\$592,442.50	\$18,084,216.25	16,084.216.25	\$18,084,216.25	\$18,084,216.25									

CT-00000222

PROFESSIONAL FEE TOTALS
 AT THREE MONTHLY RATES FOR ALL ACTIONS THROUGH APRIL 30, 2001
 FOR KOHN, SWIFT & GRAE, P.C.

Attorney	Current Hourly Rate	Q1 9/30/97	Q2 12/31/97	Q3 3/31/98	Q4 6/30/98	Q1 9/30/98	Q2 12/31/98	Q3 3/31/99	Q4 6/30/99	Q1 9/30/99	Q2 12/31/99	Q3 3/31/00	Q4 6/30/00	Q1 9/30/01	April 2001	Total
Joseph C. Kohn	410	1,112.00	30,094.00	27,839.00	11,429.00	12,421.00	4,592.00	4,428.00	26,322.00	9,102.00	4,756.00	8,287.00	820.00			140,997.00
Daniel E. Shields	275	1,237.50	10,120.00	14,952.50	4,180.00	2,145.00	117.50	137.50		137.50						53,047.50
Craig W. Hillwig	225									22.50						22.50
Douglas A. Abrahams	315		63.00	63.00	31.50	63.00		36.50								22.50
William E. Deese	125	11,310.00	48,992.50	29,737.50	17,277.50	50,830.00	5,720.00	1,380.00	17,192.50	10,692.50	2,112.50	3,867.50	15,697.50	487.50	617.50	567.00
Martin J. D'Urso	125	162.50	13,520.00	37,175.00	20,880.00	26,097.50	812.50	10,107.50	60,547.50	124,117.50	5,037.50	8,907.00	2,047.50			237,315.00
Steven M. Steingard	125				4,550.00	1,787.50									6,760.00	316,290.00
Robert D. Greenbaum	260		8,716.00	52.00												6,337.50
David G. Conerman	200	400.00	2,680.00	400.00					28,360.00							8,788.00
Elkan M. Katz	285													1,453.50	16,872.00	18,325.50
Michael J. Hunt	125	1,312.50	8,190.00													9,522.50
Paralegal																
Annie M. Schwartz	95								2,470.00	47.50						2,517.50
Ilya Kelson	100															2,140.00
Eric Hink	95	508.50	1,740.00	6,244.50	4,579.00	570.00				2,140.00						13,699.00
Hugh Dillon	105	493.50	189.00	71.50			273.00	1,680.00	6,300.00	840.00	304.50	409.50				12,421.50
Jennifer Neumann-Memo	105		105.00						283.50	4,452.00			21.00			4,861.50
Margaret Conley	100		200.00	80.00	600.00	3,400.00										4,280.00
W. Eric Mior	110		517.00		55.00			242.00	619.00	22.00						1,485.00
TOTAL		16,846.50	124,516.50	136,814.00	83,102.00	98,786.00	11,535.00	20,321.50	142,124.50	151,573.50	12,210.50	21,464.00	18,586.00	2,329.50	24,240.50	864,459.00

2966
 2566,2064

CT-0000220

DIET DRUG PRODUCTS LIABILITY LITIGATION - MDL 1203
COMMON BENEFIT TIME SUMMARY SHEET

REPORTING FIRM

COHEN MILSTEIN HAUSFELD & TOLL, P.L.L.C.

QUARTER PERIOD

3/31/01

1. Preparing pleadings, motions, supporting briefs, legal research
2. Preparing and responding to written discovery requests
3. Taking & defending depositions, including preparation
4. Inspection of documents
5. Factial investigation
6. Technical research and consultation with experts
7. Preparation for court appearance and trial
8. Court appearance and trial
9. MDL/Amf Comm. and Liaison meetings and activities
10. Settlement
11. Settlement Administration

	1	2	3	4	5	6	7	8	9	10	CURRENT TOTAL HOURS	HOURLY RATE	CURRENT LODESTAR	CUMUL. HOURS	CUMUL. LODESTAR	PROOF
ATTORNEY																
M HAUSFELD											0.00	\$495.00	\$0.00	589.50	\$291,802.50	\$291,802.50
S TOLL											0.00	\$480.00	\$0.00	5.50	\$2,640.00	\$2,640.00
M FARRELL											0.00	\$400.00	\$0.00	1,033.00	\$413,200.00	\$413,200.00
J SELLERS											0.00	\$380.00	\$0.00	0.75	\$285.00	\$285.00
R LEWIS											5.00	\$350.00	\$1,750.00	2,191.00	\$766,850.00	\$766,850.00
D SMALL											0.00	\$340.00	\$0.00	0.75	\$255.00	\$255.00
G MASON											0.00	\$325.00	\$0.00	318.50	\$103,512.50	\$103,512.50
J GREENBAUM											0.00	\$350.00	\$0.00	56.25	\$19,687.50	\$19,687.50
A BARNETT											0.50	\$255.00	\$127.50	2,740.25	\$698,763.75	\$698,763.75
M IDE											0.00	\$245.00	\$0.00	1.25	\$308.25	\$308.25
J LEAVES											0.00	\$175.00	\$0.00	1.00	\$175.00	\$175.00
A FRYSZMAN											0.00	\$205.00	\$0.00	127.25	\$26,086.25	\$26,086.25
M PERRY											0.00	\$140.00	\$0.00	53.25	\$7,455.00	\$7,455.00
J BERRY											0.00	\$135.00	\$0.00	82.25	\$11,103.75	\$11,103.75
S WARD											0.00	\$135.00	\$0.00	167.50	\$22,612.50	\$22,612.50
D HALE											0.00	\$115.00	\$0.00	4.50	\$517.50	\$517.50
J DEVORE											0.00	\$165.00	\$0.00	0.25	\$41.25	\$41.25
ATTORNEY NAME											0.00	\$0.00	\$0.00	0.00	\$0.00	\$0.00
ATTORNEY NAME											0.00	\$0.00	\$0.00	0.00	\$0.00	\$0.00
ATTORNEY NAME											0.00	\$0.00	\$0.00	0.00	\$0.00	\$0.00
ATTORNEY NAME											0.00	\$0.00	\$0.00	0.00	\$0.00	\$0.00
PARALEGAL											5.50	\$1,677.50	\$1,677.50	7,372.75	\$2,385,293.75	\$2,385,293.75
B J PRATT											0.00	\$130.00	\$0.00	503.50	\$65,455.00	\$65,455.00
G REGINA											9.50	\$120.00	\$1,235.00	115.50	\$15,015.00	\$15,015.00
M DICOCO											0.00	\$100.00	\$0.00	885.00	\$106,200.00	\$106,200.00
J CARKEEK											0.00	\$105.00	\$0.00	168.25	\$18,625.00	\$18,625.00
J BUBINACK											0.00	\$120.00	\$0.00	22.00	\$2,640.00	\$2,640.00
R SMITS											0.00	\$115.00	\$0.00	1.00	\$115.00	\$115.00
G MCCANTS											0.00	\$115.00	\$0.00	10.00	\$1,150.00	\$1,150.00
C VAUGHN											0.00	\$75.00	\$0.00	7.50	\$562.50	\$562.50
T KIRBY											0.00	\$0.00	\$0.00	0.00	\$0.00	\$0.00
PARALEGAL NAME											0.00	\$0.00	\$0.00	0.00	\$0.00	\$0.00
PARALEGAL NAME											0.00	\$0.00	\$0.00	0.00	\$0.00	\$0.00
PARALEGAL NAME											0.00	\$0.00	\$0.00	0.00	\$0.00	\$0.00
PARALEGAL NAME											0.00	\$0.00	\$0.00	0.00	\$0.00	\$0.00
TOTALS											9.50	\$1,235.00	\$1,235.00	1,989.00	\$236,868.75	\$236,868.75

IT-0000194

COMMON BENEFIT TIME SUMMARY SHEET

ATTORNEY	PA	NI	CURRENT TOTAL DEBTS	INVENTORY	CUMUL DEFICIT
J. AUI RBACH	1,173.00	2,450.02	3,632.82	\$300.00	\$1,089,846.00
D. BERGER	3.20	1.00	4.20	\$520.00	\$2,184.00
DAN BERGER	13.62	0.00	13.62	\$490.00	\$6,673.80
H. BERGER	46.13	0.00	46.13	\$520.00	\$23,987.80
G. CANTOR	0.30	0.50	0.80	\$471.00	\$376.80
S. CARSON	0.00	21.40	21.40	\$190.00	\$4,066.00
E. CRAMER	23.90	0.00	23.90	\$300.00	\$7,170.00
M. DAVIDOFF	0.50	0.00	0.50	\$520.00	\$260.00
B. FLAHERTY	37.00	159.70	196.70	\$275.00	\$54,082.50
R. HEIKIN	500.10	360.40	860.50	\$450.00	\$398,225.00
S. LEVY	52.80	4.80	57.60	\$300.00	\$17,280.00
S. SAVETT	3.00	1.00	4.00	\$520.00	\$2,080.00
J. STILFEL	21.70	0.00	21.70	\$450.00	\$9,765.00
S. WOLF	0.00	1.00	1.00	\$520.00	\$520.00
K. ZYLSTRA	11.70	369.80	381.50		

	0.00	\$0.00	\$0.00
5,296.37	6,048.00	\$1,698,456.70	
PAREGAL			
E DELVALLE	0.70	11.00	
B DOUGLAS	29.90	71.50	
D FLUBERT	470.85	1,597.85	
P FOWLER	9.40	0.00	
B MCGUIGAN	7.00	75.00	
D POTTS	3.80	0.00	
D SKEMA	0.50	0.00	
M STEIN	252.50	106.00	
S TYSON	15.10	0.00	
L WILLIAMS	7.50	7.50	
SUB TOTAL	797.25	1,948.85	
LESS DISALLOWED TIME & LODGESTAR			
TOTAL			

SUB TOTAL
LESS: DISALLOWED TIME & LODGESTAR
TOTAL

REPORTING FIRM

RODA & NAST, P.C.

QUARTER PERIOD	6.30.04
----------------	---------

- 1 Preparing pleadings, motions, supporting briefs, legal research
- 2 Preparing and responding to written discovery requests.
- 3 Taking & deposing depositions, including preparation
- 4 Inspection of documents.
- 5 Factual investigation
- 6 Technical research and consultation with experts.
- 7 Preparation for court appearance and trial.
- 8 Court appearance and trial.
- 9 MDL/Mgt Comm. and Liaison meetings and activities
- 10 Settlement
11. Settlement Administration

[illegible]

DIEI DRUG PRODUCTS LIABILITY LITIGATION - MDL 1203									
COMMON BENEFIT TIME SUMMARY SHEET									
REPORTING FIRM	CHIMICLES & TIKELLIS LLP	QUARTER PERIOD		9/30/00					
1. Preparing pleadings, motions, supporting briefs, legal research	5. Factual investigation	9. MDL/Mgt Comm. and Liaison meetings and activities							
2. Preparing and responding to written discovery requests	6. Technical research and consultation with experts	10. Settlement							
3. Taking & defending depositions, including preparation	7. Preparation for court appearance and trial	11. Settlement Administration.							
4. Inspection of documents.	8. Court appearance and trial								
ATTORNEY		CURRENT		QUARTLY		CUMUL.			
CHIMICLES, NE		TOTAL HOURS		HOURLY RATE		FEE/STAR		HOURS	
MALONE, JR.		0.00		\$400.00		\$0.00		15.00	
GOTTSCHE, MD.		0.00		\$425.00		\$0.00		7.25	
SCHWARTZ, SA		0.00		\$375.00		\$0.00		4.00	
KRINER, R.J.		0.75		\$375.00		\$281.25		007.50	
LAPAI, R.M.		0.00		\$375.00		\$0.00		1.00	
MARIANI, R.M.		0.00		\$330.00		\$0.00		781.75	
ZEITERBERG, P.N.		0.00		\$230.00		\$0.00		220.00	
DONALDSON, K.M.		0.00		\$230.00		\$0.00		2.50	
DUDERAR, T.R.		0.00		\$210.00		\$0.00		114.75	
		0.00		\$210.00		\$0.00		10.00	
		0.00		\$0.00		\$0.00		\$2,100.00	
		0.75		\$3,250.00		\$281.25		1,763.75	
								\$575,468.75	
PARALEGAL									
WARD, D.M.		0.00		\$90.00		\$0.00		3.00	
BECK, M.W.		0.00		\$100.00		\$0.00		0.75	
		0.00		\$0.00		\$0.00		0.00	
		0.00		\$0.00		\$0.00		3.75	
TOTALS		0.75				281.25		1,767.50	
								575,813.75	
								proof	
								7,350.00	
								3,081.25	
								1,500.00	
								227,812.50	
								375.00	
								257,877.50	
								50,600.00	
								575.00	
								24,097.50	
								2,100.00	
								575,468.75	
								270.00	
								75.00	
								345.00	

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHYLLIS McPARLAND and JAMES
PICKING, individually and on behalf of all
others similarly situated,

Plaintiffs,

KEYSTONE HEALTH PLAN
CENTRAL, INC.,

Defendant.

CIVIL ACTION NO.
1:CV 00-0549
(Yvette Kane, Judge)

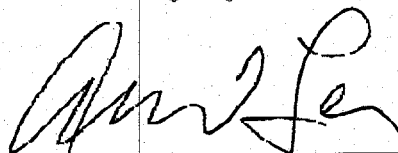
DECLARATION OF
ARNOLD LEVIN

1. I, Arnold Levin, am a member of the firm of Levin Fishbein Sedran & Berman. My firm concentrates its practice in the field of representing plaintiffs in class actions in federal and state courts.

2. The rates that my firm charged for work in In re Diet Drugs Litig., MDL No. 1203 are my firm's normal hourly rates. These rates have been approved by courts in contingent class action litigation.

3. My firm charges the same normal hourly rates for all of its work, regardless of the locality in which the cases are filed and litigated, including the United States District Court for the Middle District of Pennsylvania, where my firm has litigated.

I declare under penalty of perjury that the foregoing is true and correct.



Arnold Levin

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHYLLIS McPARLAND and JAMES	:	
PICKING, individually and on	:	
behalf of all others	:	
similarly situated,	:	CIVIL ACTION NO.
	:	1:CV 00-0549
	:	(Yvette Kane, Judge)
Plaintiffs,	:	
v.	:	
	:	
KEYSTONE HEALTH PLAN	:	
CENTRAL, INC.,	:	
Defendant.	:	

DECLARATION OF JOSEPH C. KOHN

1. I am a shareholder and director of the firm of Kohn, Swift & Graf, P.C. My firm concentrates its practice in the field of complex and commercial litigation and has, for over 30 years, represented plaintiffs in class actions in federal and state courts.

2. The rates that my firm charged for work in In re Diet Drugs Litig., MDL No. 1203 are my firm's normal hourly rates. These rates are charged to clients of the firm represented on an hourly fee basis, and have been approved by courts in contingent class action litigation.

3. My firm charges the same hourly rates for all of its work, regardless of the locality in which the cases are filed and litigated, including the United States District Court for the Middle District of Pennsylvania, where my firm has litigated.

I declare under penalty of perjury that the foregoing is true and correct.



Joseph C. Kohn

FEB 27 2002 16:47 FR COHEN MILSTEIN

TO 1599900012916106 P.02/02

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHYLLIS McPARLAND and JAMES
PICKING, individually and on behalf of all
others similarly situated,

Plaintiffs,

KEYSTONE HEALTH PLAN
CENTRAL, INC.,

Defendant.

CIVIL ACTION NO.
1:CV 00-0549
(Yvette Kane, Judge)

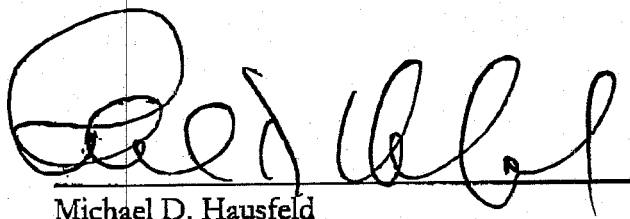
**DECLARATION OF
MICHAEL D. HAUSFELD**

1. I, Michael D. Hausfeld, am a member of the firm of Cohen Milstein Hausfeld & Toll, PLLC. My firm concentrates its practice in the field of representing plaintiffs in class actions in federal and state courts.

2. The rates that my firm charged for work in In re Diet Drugs Litig., MDL No. 1203 are my firm's normal hourly rates. These rates are charged to clients of the firm represented on an hourly fee basis, and have been approved by courts in contingent class action litigation.

3. My firm charges the same normal hourly rates for all of its work, regardless of the locality in which the cases are filed and litigated, including the United States District Court for the Middle District of Pennsylvania, where my firm has litigated.

I declare under penalty of perjury that the foregoing is true and correct.



Michael D. Hausfeld

02/28/02 14:46 FAX 215 875 3053

BERGER & MONTAGUE

002

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHYLLIS McPARLAND and JAMES
PICKING, individually and on behalf of all
others similarly situated,

Plaintiffs,

KEYSTONE HEALTH PLAN
CENTRAL, INC.,

Defendant.

CIVIL ACTION NO.

1:CV 00-0549

(Yvette Kane, Judge)

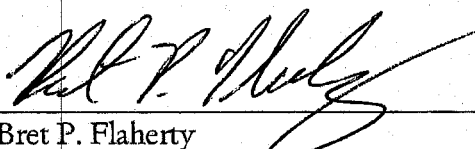
**DECLARATION OF
BRET P. FLAHERTY**

1. I, Bret P. Flaherty, am a member of the firm of Berger & Montague, PC. My firm concentrates its practice in the field of representing plaintiffs in class actions in federal and state courts.

2. The rates that my firm charged for work in In re Diet Drugs Litig., MDL No. 1203 are my firm's normal hourly rates. These rates have been approved by courts in contingent class action litigation.

3. These rates are our normal hourly rates, regardless of the locality in which the cases are filed and litigated, including the United States District Court for the Middle District of Pennsylvania, where my firm has litigated.

I declare under penalty of perjury that the foregoing is true and correct.

 2/28/02
Bret P. Flaherty

FEB-28-2002 12:42

RODA & NAST, P.C.

717 892 1200

P.04

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHYLLIS McPARLAND and JAMES
PICKING, individually and on behalf of all
Others similarly situated,

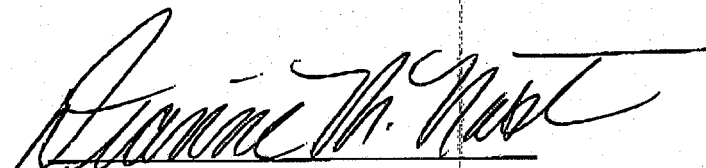
Plaintiffs,

KEYSTONE HEALTH PLAN
CENTRAL, INC.,

CIVIL ACTION NO.
1:CV 00-054 9
(Yvette Kane, Judge)

DECLARATION OF
DIANNE M. NAST

1. I, Dianne M. Nast, am a senior shareholder of the firm of Roda & Nast, P.C. This firm regularly represents plaintiffs in many class actions in federal courts throughout the United States.
2. This firm charges the same hourly rates in all class action litigation, regardless of the locality in which the cases are filed or litigated.


Dianne M. Nast

	Attorney	Status	Grad Year	Rate	Attorney	Status	Grad Year	Rate	Attorney	Status	Grad Year	Rate	Attorney	Status	Grad Year	Rate
* Chimicles & Tikellis LLP	Denise Schwartzman	Of Counsel	1969	\$405	Michael D. Gottsch	Partner	1983	\$340	Pamela Zetterberg	Associate	1996	\$200	Kimberly Donaldson	Associate	1999	\$180
Levin Fishbein Sedran & Berman	Arnold Levin	Member	1964	\$520					Austin Cohen	Associate	1996	\$265				
Kohn Swift and Graf					Joseph Kohn	Member	1982	\$410	Craig Hillwig	Associate	1993	\$225				
Roda & Nast	Dianne Nast	Member	1976	\$465	Laurence Delvecchio ?		1981	\$375	Michelle Eagan	Associate	1996	\$220	Greer Anderson	Associate	2000	\$190
Cohen Milstein Hausfeld & Toll	Michael Hausfeld	Member	1969	\$495	Joseph Sellers	Member	1979	\$380	A. Fryszman	Associate	1996	\$205				
Berger and Montague	Russel Henkin	Member	1972	\$450									Shanon Carson	Associate	2000	\$190
*																

* The Rates of Chimicles & Tikellis LLP are not its current rates but are the rates the firm charged when remand motions were litigated. The rates of the other firms are current rates as of December 31, 2001. The current rates of the Chimicles & Tikellis lawyers are: Mrs. Schwartzman \$415, Mr. Gottsch \$375, Ms. Zetterberg \$230, and Ms. Donaldson \$210.

12/14/00
3:01 PM

CT - Expense Summary Report

Page 1

Selection Criteria

Slip Classification	Open; Closed
Timekeeper (hand s	Include: expense
Slip Date	3/28/00 - 9/29/00
Case (hand select)	Include: SENIOR BLUE

Totals for	Total Amount
<u>\$FILING FEES</u>	<u>\$75.00</u>
\$LEXIS	\$6,553.11
\$MESSENGER/COUR	\$77.98
\$PHOTO-OUTSIDE	\$68.88
\$POSTAGE	\$76.34
\$TELEPHONE/TELE	\$58.79
Grand Total	<u><u>\$6,910.10</u></u>

2/20/2002
11:04 AM

CT - Expense Detail Report

Page 1

Selection		Criteria	
Slip.Classification	Open; Closed		
Timekeeper (hand	Include: expense		
Slip.Date	3/28/2000 - 9/29/2000		
Case (hand select	Include: SENIOR BLUE		
Date	Activity	Description	Value
4/25/2000	\$EXPRESS MAIL		\$13.11
5/1/2000	\$EXPRESS MAIL		\$10.00
5/2/2000	\$EXPRESS MAIL		\$10.21
5/19/2000	\$EXPRESS MAIL		\$10.21
5/24/2000	\$EXPRESS MAIL		\$10.21
6/16/2000	\$EXPRESS MAIL		\$14.03
8/18/2000	\$EXPRESS MAIL		\$10.21
4/28/2000	\$FILING FEES		\$75.00
3/31/2000	\$LEXIS		\$460.15
4/30/2000	\$LEXIS		\$2,268.87
4/30/2000	\$LEXIS		\$1,868.74
5/31/2000	\$LEXIS		\$641.91
5/31/2000	\$LEXIS		\$479.60
6/30/2000	\$LEXIS		\$437.57
6/30/2000	\$LEXIS		\$357.61
7/31/2000	\$LEXIS		\$38.66
4/6/2000	\$PHOTO-OUTSIDE		\$58.05
5/26/2000	\$PHOTO-OUTSIDE		\$10.83
4/25/2000	\$POSTAGE		\$4.36
5/2/2000	\$POSTAGE		\$1.10
5/12/2000	\$POSTAGE		\$67.80
5/19/2000	\$POSTAGE		\$1.54

2/20/2002
11:04 AM

CT - Expense Detail Report

Page 2

Date	Activity	Description	Value
5/24/2000	\$POSTAGE		\$1.54
4/1/2000	\$TELEPHONE/TELE		\$2.22
4/28/2000	\$TELEPHONE/TELE		\$31.74
5/1/2000	\$TELEPHONE/TELE		\$3.94
6/1/2000	\$TELEPHONE/TELE		\$4.14
6/27/2000	\$TELEPHONE/TELE		\$8.79
7/1/2000	\$TELEPHONE/TELE		\$4.09
9/1/2000	\$TELEPHONE/TELE		\$3.87
Grand Total			\$6,910.10